

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
AIXA RODRIGUEZ

Plaintiff,

- against -

INTERNATIONAL LEADERSHIP
CHARTER SCHOOL and ELAINE RUIZ-LOPEZ.

Defendants.
-----X


Index No. 08 CV 01012
(PAC)

DECLARATION OF
PLAINTIFF

AIXA RODRIGUEZ hereby declares, pursuant to 28 U.S.C. § 1746, under the penalty of perjury under the Laws of the United States of America:

1. I am the plaintiff in the above case.
2. I filed a verified complaint of discrimination with the New York State Division of Human Rights, a true and accurate copy of which is annexed as Exhibit 1 hereto.
3. The United States Equal Opportunity Commission issued a "NOTICE OF CHARGE WHERE AN FEP AGENCY WILL INITIALLY PROCESS", a true and accurate copy of which is annexed as Exhibit 2 hereto.

Dated: July 3rd, 2006


AIXA RODRIGUEZ

STATE OF NEW YORK
DIVISION OF HUMAN RIGHTS

STATE DIVISION OF HUMAN RIGHTS
on the Complaint of

AIXA B. RODRIGUEZ,

Complainant,

v.

INTERNATIONAL LEADERSHIP CHARTER
SCHOOL,

Respondent.

VERIFIED COMPLAINT
Pursuant to Executive
Law, Article 15

Case No.
10116442

Federal Charge No. 16GA701926

I, Aixa B. Rodriguez, residing at 245 East Gunhill Road, Apt. 6B, Bronx, NY, 10467, charge the above named respondent, whose address is 2900 Exterior Street, Ste. 1R, Bronx, NY, 10463 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of opposed discrimination/retaliation.

Date most recent or continuing discrimination took place is 3/3/2007.

The allegations are:

SEE ATTACHMENTS

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of opposed discrimination/retaliation, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondent with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment). I hereby authorize SDHR to accept this verified complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

I have not commenced any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice.

Aixa B. Rodriguez

STATE OF NEW YORK)
COUNTY OF) SS:

Aixa B. Rodriguez, being duly sworn, deposes and says: that he/she is the complainant herein; that he/she has read (or had read to him or her) the foregoing complaint and knows the content thereof; that the same is true of his/her own knowledge except as to the matters therein stated on information and belief; and that as to those matters, he/she believes the same to be true.

Aixa B. Rodriguez

Subscribed and sworn to
before me this day
of , 20

Signature of Notary Public

4. RESPONDENT

Please provide information below regarding the party that discriminated against you ("Respondent").

Name of Firm, Organization, or Individual Against Whom you are Filing: (If you are naming a co-worker, supervisor, agent, etc., please also name the firm or organization.)

Dr. Elaine Ruiz-Lopez International Leadership
Charter School
2900 Exterior Street Suite 1R
Street Address (Usually a Business Address)
Bronx, NY 10463
City, State, Zip Code
(718)-562-2300
Telephone Number

5. DESCRIPTION OF DISCRIMINATION

Please provide a brief description of the discrimination against you. Please try to be as specific as possible with respect to acts, dates, and names. Please write or print legibly, or attach a typed description.

Verbally expressed concerns and objections regarding labor practice, special education and bilingual education, and disciplinary practices, led to harassment and humiliation. I filed a report with the New York State Education Department and went on record with VESIP. An investigation was conducted and the findings were that all allegations were substantiated. (see attached) Prior to the results of this investigation, I was defamed, harassed and terminated. The CEO continues to defame my character and actively attempt to deny me unemployment benefits.

6. EXECUTION OF COMPLAINT

Please read carefully before signing. Please be sure to sign this form in front of a notary public.

Based on the foregoing, I charge the above-named Respondent with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

If you wish to file your complaint with a Federal agency, as well as with the New York State Division of Human Rights, please check the line below. This will protect and preserve your rights under Federal law.

☒ I also charge the above-named Respondent with violating the applicable Federal Statutes, if any, including but not limited to the Americans With Disabilities Act (covers disability related to employment); Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment); the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment); and/or Title VIII of the Federal Fair Housing Act, as amended (covers acts of discrimination in housing). I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Opportunity Commission, subject to the statutory limitations contained in the aforementioned law(s), and/or to forward it to the U.S. Department of Housing and Urban Development for review and additional filing by them, subject to the statutory limitations contained in the aforementioned law.

I have not commenced any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice.

I swear under penalty of perjury that I am the complainant herein; that I have read (or have had read to me) the foregoing complaint and know the contents of this complaint; and that the foregoing is true and correct, based on my current knowledge, information, and belief.



Sign your Full Legal Name

Subscribed and Sworn to
Before me this 28th day
of March, 2007



Signature of Notary Public

ANTHONY NKUMAH
Notary Public, State of New York
No. 01NK618606
Qualified in Queens County
Commission Expires November 15, 2008



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY

VESD, Special Education Quality Assurance, New York City Regional Office
55 Hanson Place, Room 545, Brooklyn, N.Y. 11217 - 1580
Tel. (718) 722 - 4544, Fax (718) 722 - 2032

January 19, 20007

Ms. Aixa Rodriguez
245 E. Gun Hill Road
Apt. #6B
Bronx, NY 10467

Dear Ms. Rodriguez:

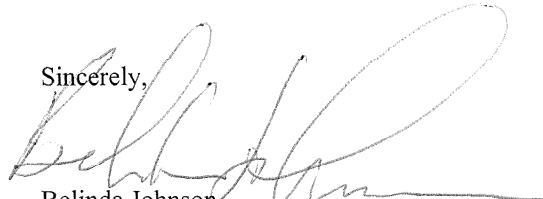
The New York City Regional Office for Special Education Quality Assurance has concluded its investigation of your complaint regarding the provision of special education program and services for students attending the International Leadership Charter School (ILCS) submitted on November 21, 2006.

During the course of the investigation, I conducted a site visit at ILCS on November 27, 2006. Documents submitted by ILCS were reviewed and considered. Attached is a description of each allegation indicated in the original complaint letter along with the relevant regulatory citation and individual finding.

The allegations are substantiated. Enclosed you will find the relevant regulatory citation and its individual findings regarding each allegation of violations of special education law or regulation. I have included the specific actions that ILCS must take to resolve each of the confirmed areas of non-compliance within required timelines.

Thank you for bringing your concerns to the attention of this office. If you have any further questions, please contact me at the number and/or address listed above.

Sincerely,



Belinda Johnson
Supervisor

BJ:jel

Enclosures

c: Patricia Shubert
Richard Governale
Deborah Beal
Lisa Long
Andrea Zayas
Sileni Nazario
File

Complaint Issue**INTERNATIONAL LEADERSHIP CHARTER SCH****School Year** 2006-2007**BEDS Code** 800000059326**Section/Item**

5.4 6.01

Programs and services for students with disabilities provided by the charter school are implemented within required timelines and in accordance with their IEPs.
Special Education

Other**Additional Explanation (if necessary)**

Complainant alleges that students are not receiving special education program and services as per IEP recommendation. Students recommended for bilingual instruction and ESL services are not receiving the appropriate services as per IEP recommendation. Based upon a review of documentation submitted and staff interviews, students recommended for Bilingual speech services in Spanish are currently not receiving services. ILCS is working with the CSE to locate a bilingual speech provider. A student recommended for Bilingual instruction in Spanish is currently not receiving bilingual instruction. Students recommended for ESL instruction began services in October. It is not clear if these students are receiving ESL instruction at this time. The allegation is substantiated.

A review of IEPs submitted indicated students recommend for Special Education Teacher Support Services have goals and objectives in the areas of English Language Arts and Mathematics. However, it was reported that students receive instructional support in the area of English Language Arts only.

Action Steps

Documentation of Corrective Action	Deadline	Revised Deadline	Received Date	Materials to be Submitted
Submit a plan to ensure that programs and services for students with disabilities provided by the charter school are implemented within required timelines and in accordance with their IEPs. The plan should also address how instructional support will be provided in the area of Mathematics. Include the name/title of the person responsible for on-going implementation and monitoring	02/01/2007 Accepted Date			Yes
Person Responsible: Educational Director				
Submit the names of all students recommended for bilingual instruction. Include the specified language of instruction. Submit name of provider, provider schedule and date of initiation of services	02/01/2007 Accepted Date			Yes
Person Responsible: Educational Director				
Submit the names of all students recommended for ES instruction. Include number of periods mandated. Submit name of provider, provider schedule and date of initiation of services.	02/01/2007 Accepted Date			Yes
Person Responsible: Educational Director				
Submit the names of all students recommend for Spanish speech services. Include frequency, duration and group size. Submit name of provider, provider schedule and date of initiation of services.	02/01/2007 Accepted Date			Yes
Person Responsible: Educational Director				

Resolved:**Date Resolved:**

Belinda Johnson

Complaint Issue**INTERNATIONAL LEADERSHIP CHARTER SCH****School Year** 2006-2007**BEDS Code** 800000059326**Section/Item**

5.3 2

The charter school assures that the IEP is available to all appropriate teachers, related service providers and other service providers who are responsible for implementing a student's IEP.

Other**Additional Explanation (if necessary)**

Complainant alleges that teacher requests for IEPs are denied. Based upon a review of documentation submitted by the program and staff interviews, teachers have not received access to IEPs; either by photocopy or availability. It is reported that staff development with regard to their roles and responsibilities for implementing IEP goals and objectives are to be completed prior to teachers receipt of requested copies of IEPs. Teachers have been notified of particular testing accommodations in November 2006. This notification is insufficient to ensure proper implementation of said testing accommodations in relationship to IEP goals and objectives. The allegation is substantiated

Action Steps

Documentation of Corrective Action	Deadline	Revised Deadline	Received Date	Materials to be Submitted
Submit a detailed plan for ensuring that the IEP is available to all appropriate teachers, related service providers and other service providers who are responsible for implementing a student's IEP. Include the name/title of the person responsible for on-going implementation and monitoring.	02/01/2007 Accepted Date			Yes
Person Responsible: Educational Director				

Resolved:**Date Resolved:**

Belinda Johnson

Complaint Issue**INTERNATIONAL LEADERSHIP CHARTER SCH****School Year** 2006-2007**BEDS Code** 800000059326**Section/Item**

5.4 6.02

Programs and services for students with disabilities provided by the charter school are implemented within required timelines and in accordance with their IEPs.
Related Services

Additional Explanation (if necessary)

Complainant alleges that students are not receiving speech services as per IEP recommendation. Based upon documentation submitted by the program and staff interviews, the program attempted to provide speech and language therapy by contracting with approved agencies. The program recently submitted documentation that they have contracted with a provider to provide services as of January 2007. However, it is unclear that the provider will be able to provide all mandated services as per IEP recommendation based upon a review of the contract submitted. The allegation is substantiated.

Action Steps

Documentation of Corrective Action	Deadline	Revised Deadline	Received Date	Materials to be Submitted
Please submit the name of all students recommended for speech services with frequency, duration and group size indicated.	02/01/2007 Accepted Date			Yes
	Person Responsible: Educational Director			
Submit schedule of service provider with date of initiation of speech services for each student identified.	02/01/2007 Accepted Date			Yes
	Person Responsible: Educational Director			
Submit name/title of person responsible for on-going implementation and monitoring.	02/01/2007 Accepted Date			Yes
	Person Responsible: Educational Director			

Resolved:**Date Resolved:**

Belinda Johnson

Complaint Issue**INTERNATIONAL LEADERSHIP CHARTER SCH****School Year** 2006-2007**BEDS Code** 800000059326**Section/Item**

5.3 3

The charter school assures that each appropriate teacher and service provider is informed of his/her specific responsibilities related to implementing the IEP and specific accommodations, modifications and supports that need to be provided to a student.

Other**Additional Explanation (if necessary)**

Complainant alleges that teachers are not informed of their responsibilities with regards to implementing the IEP and specific accommodations, modifications and supports that need to be provided to a student. Based upon review of documentation submitted by the program and interviews with staff, a series of staff development is scheduled to provide staff development with regard to IEP implementation. However, teachers currently have students with disabilities in their classrooms without knowledge of implementing the IEP and specific accommodations, modification and supports that need to be provided to the student to enable progress in the general education curriculum or to meet the goals and objectives on the IEP. The allegation is substantiated.

Action Steps

Documentation of Corrective Action	Deadline	Revised Deadline	Received Date	Materials to be Submitted
Submit a detailed plan for ensuring that each appropriate teacher and service provider is informed of his/her specific responsibilities related to implementing the IEP and specific accommodations, modifications and supports to be provided to a student. Submit the name/title of the person responsible for on-going implementation and monitoring.	02/01/2007 Accepted Date			Yes
Person Responsible: Educational Director				
Submit evidence of all IEP professional development. Include name/title of presenter, participants and topics covered.	04/01/2007 Accepted Date			Yes
Person Responsible: Educational Director				

Resolved:**Date Resolved:**

Belinda Johnson

Complaint Issue**INTERNATIONAL LEADERSHIP CHARTER SCH****School Year** 2006-2007**BEDS Code** 800000059326**Section/Item**

5.2 2.02

Disciplinary Procedures

Alternative instruction is provided during the first 10 days of any suspension or removal and is provided to the same extent as to non-disabled students of compulsory school age.

Other**Additional Explanation (if necessary)**

Complainant alleges that students are suspended and expelled without appropriate due process. Students suspended are not provided with alternative instruction. Based upon a review of documentation submitted by the program and interviews with administrative staff and instructional staff, students who receive in-house suspensions are not provided with the appropriate alternative instruction necessary for them to progress in the general education curriculum or meet their IEP goals and objectives. Students are placed into classrooms with instructional materials/handouts without appropriate teacher support to complete work. The allegation is substantiated.

With regard to students suspended and/or expelled without appropriate due process, a review of documentation submitted by the program as well as staff interviews indicate that although there are disciplinary notices outlining the incidents resulting in the in-house suspension, it is not clear how and when these notices are forwarded to the parent. In one case, a student received a series of in-house suspensions, followed by an expulsion. The CSE and the parent were notified in writing of the expulsion on the same day of the expulsion. The allegation is substantiated.

Action Steps

Documentation of Corrective Action	Deadline	Revised Deadline	Received Date	Materials to be Submitted
Please submit a detailed plan for providing alternative instruction during the first 10 days of any suspension or removal. Include the name/title of person responsible for on-going implementation and monitoring.	02/01/2007 Accepted Date			Yes
Person Responsible: Educational Director				
Please submit policy and procedures for referring a student to the CSE when a pattern of suspension is noted that reflects a change in placement or whenever a suspension of more than 10 days is imposed. Include the name/title of person responsible for on-going implementation and monitoring.	02/01/2007 Accepted Date			Yes
Person Responsible: Educational Director				
Please submit policy and procedures for the expulsion of a student with a disability attending ILCS. The procedures should include a timeline for notification of parent and CSE to ensure the appropriate placement of the student.	02/01/2007 Accepted Date			Yes
Person Responsible: Educational Director				

Resolved:**Date Resolved:**

Belinda Johnson

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office
33 Whitehall Street, 5th Floor
New York, New York 10004-2112

TO:
International Leadership Charter School
2900 Exterior Street, Ste. 1R
Bronx, NY 10463

PERSON FILING CHARGE:
Aixa E. Rodriguez
THIS PERSON (Check one):
Claims to be aggrieved ☒
Files on behalf of other(s) ☐
DATE OF ALLEGED VIOLATION:
3/2/2007
PLACE OF ALLEGED VIOLATION:
Bronx County
EEOC CHARGE NUMBER:
16GA761926
FEPA CHARGE NUMBER:
10116442

NOTICE OF CHARGE OF DISCRIMINATION WHERE AN FEP AGENCY WILL INITIALLY PROCESS

YOU ARE HEREBY NOTIFIED THAT A CHARGE OF EMPLOYMENT DISCRIMINATION UNDER

- ☒ Title VII of the Civil Rights Act of 1964
- ☐ The Age Discrimination in Employment Act of 1967 (ADEA)
- ☐ The Americans with Disabilities Act (ADA)

HAS BEEN RECEIVED BY: The New York State Division of Human Rights (FEP Agency) and sent to the EEOC for dual filing purposes.

While the EEOC has jurisdiction (upon expiration of any deferral requirements if this is a Title VII or ADA charge) to investigate this charge, EEOC may refrain from beginning an investigation and await the issuance of the FEP Agency's final findings and orders. These final findings and orders will be given weight by EEOC in making its own determination as to whether or not reasonable cause exists to believe that the allegations made in the charge are true.

You are therefore encouraged to cooperate fully with the FEP Agency. All facts and evidence provided by you to the Agency in the course of its proceedings will be considered by the Commission when it reviews the Agency's final findings and orders. In many instances the Commission will take no further action, thereby avoiding the necessity of an investigation by both the FEP Agency and the Commission. This likelihood is increased by your active cooperation with the Agency.

As a party to the charge, you may request that EEOC review the final decision and order of the above named FEP Agency. For such a request to be honored, you must notify the Commission in writing within 15 days of your receipt of the Agency's issuing a final finding and order. If the Agency terminates its proceedings without issuing a final finding and order, you will be contacted further by the Commission.

For further correspondence on this matter, please use the charge number(s) shown.

- ☐ An Equal Pay Act investigation (29 U.S.C. §206(d)) will be conducted by the Commission concurrently with the FEP Agency's investigation of the charge.

- ☒ Enclosure: Copy of the Charge

BASIS FOR DISCRIMINATION: Opposed Discrimination/Retaliation

CIRCUMSTANCES OF ALLEGED VIOLATION:
SEE ATTACHED N.Y.S. DIVISION OF HUMAN RIGHTS COMPLAINT

DATE: March 6, 2007

TYPED NAME OF AUTHORIZED EEOC OFFICIAL:
Spencer H. Lewis, Jr.